

# CHAPTER 7

## CONSULTATION AND COORDINATION

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### 7.1 AGENCIES AND REPRESENTATIVES CONTACTED

The federal, state, and local agencies and private organizations that were contacted during the course of this EIR/EIS are listed below. Table 7-1 provides a brief overview of federal, state, and local agencies with whom the lead agencies must consult during the NEPA process.

#### **Federal Agencies**

US Environmental Protection Agency, Region IX, NEPA Reviewer  
US Department of the Interior, Fish and Wildlife Service  
US Department of the Interior, National Park Service, Golden Gate National Recreation Area  
US Department of the Interior, National Park Service, Point Reyes National Seashore  
United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service  
United States Department of Commerce, National Oceanic and Atmospheric Administration, Gulf of the Farallones National Marine Sanctuary  
United States Coast Guard  
United States Geological Survey

#### **State Agencies**

California Coastal Commission  
California Coastal Conservancy  
California Department of Fish and Game  
California Department of Transportation  
California State Clearinghouse  
California Regional Water Quality Control Board  
California Department of Boating and Waterways

#### **Regional and Local Agencies**

Marin County Planning Department

Marin County Department of Parks, Open Space and Cultural Services  
 Marin County Department of Public Works  
 Marin County Community Development Agency  
 Marin County Open Space District  
 Marin/Sonoma Mosquito and Vector Control District  
 Marin County Sheriff (Point Reyes Substation)  
 Bay Area Air Quality Management District  
 Association of Bay Area Governments  
 Bolinas Fire Department  
 Stinson Beach County Water District  
 Stinson Beach Fire Department  
 Bolinas-Stinson Union School District

#### Organizations

Bolinas Lagoon Technical Advisory Committee  
 Stream Matrix  
 Audubon Canyon Ranch  
 Point Reyes Bird Observatory  
 Sierra Club, Marin County Chapter  
 Bolinas Rod and Boat Club

## 7.2 SCOPING

Pursuant to CEQA, Marin County prepared an initial study and filed a notice of preparation that an EIR was to be prepared for the proposed project with the California Office of Planning and Research on April 5, 2000 (State Clearinghouse No. 2000042055). On April 9, 1998, pursuant to NEPA, the Corps published a notice of intent to prepare an EIS for the proposed project (63 Federal Register 17392). The public scoping meeting that took place on April 16, 1998, and the ongoing informal public review during the project design phase fulfill the NEPA requirement to receive input from the public on the scope of the project, including the scope of the issues to be addressed (40 CFR 1501.7). Additionally, upon the release of the draft EIS/EIR, a formal review period of 45 days will be provided to receive additional input from the public.

**Table 7-1**  
**Required Coordination and Jurisdictional Background**

<b>Agency</b>	<b>Permit/Approval/Consultation</b>	<b>Authority</b>	<b>Jurisdictional Discussion</b>
<b>Federal Agencies</b>			
Advisory Council on Historic Preservation (ACHP)	Opportunity to comment	National Historic Preservation Act, 16 USCA, § 470 et seq.	The ACHP must have an opportunity to comment on any federal undertaking that has an adverse effect on a historic property listed on or eligible for the National Register of Historic Places.
US Army Corps of Engineers, San Francisco District	Adopt ROD  River and Harbors Appropriation Act, sections 9 and 10, permit for construction in navigable waters  Section 404 of the Clean Water Act permit for filling or dredging	NEPA, 42 USCA, §§ 4321-4370d  33 USCA, §§ 401, 403; 33 CFR, Parts 320, 322, and 325  33 USCA, § 1344	The Corps is working with the MCOSD under the authority delegated to it by Section 142 of the Water Resources Development Act (WRDA) of 1976 (PL [Public Law] 94-587), as amended by Section 705 of the WRDA of 1986 (PL 99-662), to investigate the conditions in the Bolinas Lagoon and to determine the feasibility of a program to reduce the sedimentation in the lagoon. The Corps is the lead agency under NEPA for analyzing the environmental impacts of the Bolinas Lagoon Ecosystem Restoration Feasibility Study. In addition, the Corps has regulatory jurisdiction over projects in Bolinas Lagoon under the Clean Water Act and the Rivers and Harbors Act.
US Environmental Protection Agency, Office of Federal Activities	NEPA review	NEPA, 42 USCA, §§ 4321-4370d; CAA, 42 USCA 7609	EPA reviews all environmental impact statements for adequacy and environmental impacts, files EISs, and prints notices of availability of the EIS in the Federal Register.
US Fish and Wildlife Service	Interagency consultation, pursuant to Section 7 of the Endangered Species Act – nonmarine species	Endangered Species Act, 16 USCA, § 1531 - 1534; 50 CFR, Part 402	Any federal agency taking an action that might affect the habitat or health of an endangered species is required to consult with the FWS for an opinion on the action.

**Table 7-1**  
**Required Coordination and Jurisdictional Background** *(continued)*

<b>Agency</b>	<b>Permit/Approval/Consultation</b>	<b>Authority</b>	<b>Jurisdictional Discussion</b>
NMFS	Interagency consultation pursuant to Section 7 of the Endangered Species Act – marine species	Endangered Species Act, 16 USCA, § 1531 - 1534; 50 CFR, Part 402	Any actions that might adversely affect sensitive marine species must be submitted to NMFS for a jeopardy opinion.

**Table 7-1**  
**Required Coordination and Jurisdictional Background** *(continued)*

<b>Agency</b>	<b>Permit/Approval/Consultation</b>	<b>Authority</b>	<b>Jurisdictional Discussion</b>
NOAA, GFNMS	Permit authorizing disturbances in the sanctuary	NOAA Administrative Order No. 216-6; 15 CFR 922.83	The Gulf of the Farallones National Marine Sanctuary surrounds the Farallon Islands and extends to the California coastline, including the Bolinas Lagoon up to the mean high tide line. Activity within the lagoon is regulated by the administrator of the GFNMS. The uses affected by the sanctuary's regulations include motor vehicle operations, construction, boating, and activities involving or affecting marine mammals, birds, and cultural and historical resources.
	Endangered Species Act and National Marine Sanctuaries Act consultation	National Marine Sanctuaries Act, 16 USCA, §§ 1431 et seq.; 15 CFR, Part 922; Endangered Species Act, 16 USCA, § 1531 - 1534; 50 CFR, Part 402; 50 CFR, Part 402	
US National Park Service (NPS), PRNS, and Golden Gate National Recreation Area	Consistency with NPS management plans, policies, and regulations	36 CFR 2.12; NPS NEPA guidance	While the NPS does not have any direct authority over Bolinas Lagoon itself, it does have jurisdiction over much of the lagoon's watershed. The superintendent of PRNS has jurisdiction over all NPS lands west of Olema Creek and south to Bolinas-Fairfax Road. This includes management authority over the part of GGNRA between Sir Francis Drake Boulevard and Bolinas-Fairfax Road. The superintendent of the GGNRA has jurisdiction over all NPS lands east of the lagoon to Bolinas-Fairfax Road (NPS 1997). GGNRA also manages three properties on the west side of the lagoon that occupy a combined area of approximately 45 acres (Fong 2000).

**Table 7-1**  
**Required Coordination and Jurisdictional Background** *(continued)*

<b>Agency</b>	<b>Permit/Approval/Consultation</b>	<b>Authority</b>	<b>Jurisdictional Discussion</b>
<b>State Agencies</b>			
Bay Area Air Quality Management District (BAAQMD)	Permit to construct and operate	Cal. Health & Safety Code, §§ 42300 et seq.	Projects that would operate stationary emission sources or portable emission sources that are not registered with the California Air Resources Board in the Bay Area must receive a permit from BAAQMD.
California Coastal Commission	Coastal consistency determination and Permit to install pipeline below high tide line	California Coastal Act of 1976, Cal. Pub. Res. Code, §§ 30000 et seq.; Federal Coastal Zone Management Act, 16 USCA, §§ 1451-1465	Any action taken by the Corps to restore Bolinas Lagoon would require a coastal consistency determination from the Coastal Commission to ensure that the project complies with local coastal plans and state coastal protection policies. In addition, the Coastal Commission must approve any construction below the high tide line.
CDFG	Interagency consultation, streambed alteration agreement	California Endangered Species Act, Cal. Fish & Game Code, §§ 2090 et seq.; Cal. Fish & Game Code, § 1603	CDFG has authority to review permits for activity on inland waterways. It has jurisdiction over estuarine waters below the mean high tide line and has the authority to issue permits for commercial harvesting of aquatic resources.
California Department of Transportation	Encroachment permit for use of state rights-of-way	California Streets and Highways Code, § 1460	Caltrans has jurisdiction over State Route 1, which parallels the east side of Bolinas Lagoon.
California Regional Water Quality Control Board (RWQCB)	Waste discharge requirements	Porter-Cologne Water Quality Control Act, Cal. Water Code, §§ 13000-14958, Federal Clean Water Act, 33 USCA, §§ 1251-1387	The RWQCB for the San Francisco Bay Area has state jurisdiction over the discharge of any material that might affect the water quality in Bolinas Lagoon.
Mount Tamalpais State Park	Compliance with management plans	California Code of Regulations, Title 14, Division 3	Any watershed restoration project that might affect the upper section of Easkoot Creek would require the approval of the supervisor of Mount Tamalpais State Park.
State Lands Commission	Lease/Permit	Cal. Pub. Res. Code § 6301; California Code of Regulations, Title 2, §§ 2800-2803	The State Lands Commission owns all coastal property between the low and high tide lines on coastal beaches; therefore, it must grant permission to cross the beach with the pipeline carrying slurry from Bolinas Lagoon.

**Table 7-1**  
**Required Coordination and Jurisdictional Background** *(continued)*

<b>Agency</b>	<b>Permit/Approval/Consultation</b>	<b>Authority</b>	<b>Jurisdictional Discussion</b>
State Historic Preservation Office (SHPO)	Consultation and memoranda of agreement (if necessary)	National Historic Preservation Act, 16 USCA, § 470 et seq.	The SHPO must concur with findings regarding the eligibility of, and effect on, any historic resources identified within the project area.
<b>Local Agencies</b>			
BLTAC	Consultation with MCOSD	Technical advice: no legal decision-making authority	BLTAC has no direct jurisdiction over the lagoon but advises Marin County on management issues. Members include representatives of local and state agencies, as well as all major stakeholder groups within the Bolinas Lagoon watershed.
Marin County/Marin County Open Space District	EIR certification as lead agency for CEQA	CEQA, Cal. Pub. Res. Code, §§ 21000-21178.1	Marin County owns Bolinas Lagoon. Since 1988, the lagoon has been managed by the MCOSD as an open space preserve. In addition to being the lagoon's landowner, Marin County also enforces compliance with plans and policies.
	Comply with MCOSD Code	MCOSD Code, Title 2	
	Coastal development permit	California Coastal Act of 1976, Cal. Pub. Res. Code, §§ 30000 et seq.	
	Consistency with local planning documents	Marin Countywide Plan, Stinson Beach Community Plan, Bolinas Community Plan	

